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with the possession and control of its cars for a reasonable time, while they were in the possession of a connecting rival carrier. Barker, J., *dissenting*.

The above case is one of decided interest especially at this time on account of the great discussion in regard to the various phases of interstate commerce and its increasing importance. A consignor of goods, after they have passed from the hands of the R. R. Co. with which the contract of affreightment was made, into the hands of another Co., has the same right to change their destination while *in transitu*, as if the first Co., had a continuous line to the place of destination, *Penn. R. R. Co. v. Rennock*, 51 Penn. 244; 4 Kan, 378. *Contra*, *Childs v. Digby*, 24 Penn. St., 23. But the contention of the dissenting judge is that there is a taking of private property without the owner's consent and for the private use of another which is not due process of the law and therefore a violation of the 14th Art. of the Constitution of the U. S. and he quotes the famous case of *Loan Association v. Topeka*, 20 Wall, (U. S.) 655 to substantiate this proposition. However the greater weight of authority follows the majority opinion of the judges in this case.

CARRIERS—WHO ARE PASSENGERS—FITZMAURICE v. N. Y. N. H. & H. R. R. Co., 78 NORTHEASTERN 418 (MASS.). In this case the person injured as the result of a collision had obtained a ticket by presenting to the agent a forged certificate that she was under eighteen, and a pupil in a certain school, the railroad having contracted to convey pupils at reduced rates. *Held*, that the carriage of the person was brought about by fraud and that she was not a passenger. See Comment *ante*.

CHARITABLE INSTITUTIONS—INJURIES TO SERVANTS—HEWETT v. WOMAN'S HOSPITAL AID ASS., 64 ATL. 190 (N. H.)—*Held*, that a hospital conducted as a charity is liable for the negligence of its manager in failing to notify a nurse of the contagious nature of a case assigned to her. The court points out that the hospital is incorporated under a general charter, and that although it has no capital stock and made no division of profits, and all its property was devoted to charitable uses, it is liable, and cites a number of English and American cases. The court also rejected the contention that as the plaintiff was an apprentice learning a trade, she was not a servant, and that the corporation was therefore relieved of its ordinary duty to her in that capacity.

CONSPIRACY—RIGHT TO EXCLUDE PERSON FROM THEATRES—PEOPLE EX REL. BURNHAM v. FLYNN—100 NEW YORK SUPP. 31. The defendants conspired to prevent the plaintiff from exercising a lawful trade or calling. Because of various criticisms made of the plays given at the various theatres, the defendants had given instructions that the critic should not be admitted, and he had been forcibly prevented from entering after purchasing a ticket. *Held*, that the conducting of a theatre is a private enterprise, and that, in the absence of Statutory regulation, the proprietor has the right to say who shall enter. Under this doctrine the court states that the agreement to exclude the critic was not an unlawful one, and that if his presence was distasteful as injurious to their business the proprietors had the lawful right to agree to exclude him.

CORPORATIONS—CORPORATE EXISTENCE—COMMONWEALTH EX. REL. ATTORNEY GENERAL v. MONONGAHELA BRIDGE CO., 64 ATLANTIC 909 (PA.) The city of Pittsburg bought all the shares of the capital stock of the stockholders of a bridge company. *Held*, that all the shares of a corporation are held by one person does not effect the existence of the corporation.